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MINUTES OF THE 201ST MEETING OF THE ELEVENTH ANGUILLA
EXECUTIVE COUNCIL HELD ON THURSDAY 5TH SEPTEMBER 2019
AT 10:00 AM

PRESENT: His Excellency The Governor, Mr Timothy Foy, OBE

The Honourable Premier and Minister of Finance, Economic Development,
Commerce, Tourism and Information Technology, Mr Victor Banks

The Honourable Deputy Governor, Mr Perin Bradley

The Honourable Minister of Home Affairs and Education, Mrs Cora Richardson-
Hodge

The Honourable Minister of Infrastructure, Communications, Utilities, Housing,
Agriculture, Fisheries and Environment, Mr Curtis Richardson

The Honourable Attorney General, Mr Dwight Horsford

Clerk to Executive Council, Mrs Jewelle Fleming, MBE

IN ATTENDANCE: Hon Parliamentary Secretary, Mr Cardigan Connor
Financial Specialist, Mr Stephen Turnbull
PS, MHA/ED, Mrs Chanelle Petty Barrett
DLS, Mr Leslie Hodge

ABSENT: The Honourable Minister of Health and Social Development, Lands and Physical
Planning, Mr Evans Rogers

EX MIN 19/408 **CONFIRMATION OF THE MINUTES**

Hon Parliamentary Secretary and Financial Specialist remained.

Council confirmed the Minutes of the 200th Meeting held on Thursday 29 August 2019.

MATTERS ARISING FROM THE MINUTES

EX MIN 19/409 **EX MEM 19/185 ADDITIONAL FUNDING FOR THE ANGUILLA**
COMMUNITY COLLEGE

Hon Parliamentary Secretary and Financial Specialist remained.

Further to EX MIN 19/392 of 29 August, Council noted that the Hon Deputy Governor had an early conversation with the PS, MHA/ED on the long-term sustainability issues and would have further discussions on the matter.

Council reminded the MFEDICT about the approved contingency warrant for the ACC in the amount of EC\$516,000.00 for the remainder of 2019.

Action: PS, MHA/ED; PS, FIN; PS, EDICTIT; PAS, FIN; BD; ACC GEN;
MINS OF GOV'T

EX MIN 19/412

EX MEM 19/192 BILL FOR ANGUILLIAN STATUS ACT, 2019

Hon Parliamentary Secretary and Financial Specialist remained. PS, MHA/ED, Mrs Chanelle Petty Barrett joined.

Further to EX MIN 19/398 of 29 August, Council:

- (i) approved the revised wording for sections 5 and 6 of the draft Bill for the Anguillian Status Act, 2019; and
- (ii) agreed that the Bill should proceed to the House of Assembly for its first reading.

Action: PS, MHA/ED; HON AG; LAB COM; CIO; CL, HOA; MINS OF GOV'T

EX MIN 19/413

EX MEM 19/193 ESTABLISHMENT OF THE LABOUR TRIBUNAL

Hon Parliamentary Secretary, Financial Specialist and PS, MHA/ED remained.

Following on from EX MIN 19/399 of 29 August, Council noted that:

- (i) a hearing is the handling of a matter from start to finish;
- (ii) noted that a monthly stipend of EC\$1,000.00 would be paid to the Chair and EC\$800.00 to other members, subject to review within six (6) months; and
- (iii) the costs for 2019 are already catered for in the Department of Labour's 2019 budget.

Council authorised the issue of the action sheet before confirmation of the minutes.

Action: PS, MHA/ED; HON AG; LAB COM; REG, JD; MINS OF GOV'T

EX MIN 19/414

EX MEM 19/201 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – 1946 ANGUILLA, LLC – REGISTRATION SECTION WEST END, BLOCK 17810 B, PARCEL 201 STRATA LOT SL I01 BEING 3099 SQ. FT.

Hon Parliamentary Secretary and Financial Specialist remained. DLS, Mr Leslie Hodge joined.

Council agreed to issue an Aliens Land Holding Licence to 1946 ANGUILLA, LLC to hold on a freehold basis a luxury condominium unit of approximately 3,099 sq. ft. forming part of Resorts & Residences of Anguilla Home Owners Association Ltd., a condominium development at Four Seasons Anguilla Ltd., described as Registration Section West End, Block 17810 B, Parcel 201 SL L101, subject to the following:

(a)	Stamp duties payable are as follows:	
	(i)	
	under the Stamp Act – 5%	
	of EC\$7,428,738.82	EC\$371,436.94
	(ii)	
	under the Aliens Land Holding	
	Regulation Act – 5%	
	of EC\$7,428,738.82	<u>EXEMPT</u>
	TOTAL	<u>EC\$371,436.94</u>

(b) Regulations to be issued for exemption.

Council authorised the issue of the action sheet before confirmation of the minutes.

Action: PS, HLPP; DLS; HON AG; PS, FIN

EX MIN 19/415

EX MEM 19/202 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – HA HA ENTERPRISES LTD. REGISTRATION SECTION NORTH, BLOCK 59018 B, PARCEL 114 CONTAINING 0.50 OF AN ACRE

Hon Parliamentary Secretary, Financial Specialist and DLS remained.

Council agreed to issue an Aliens Land Holding Licence to Ha Ha Enterprises Ltd. to hold, on a freehold basis, vacant property situated in Registration Section North, Block 59018 B, described as Parcel 114, containing, 0.50 of an acre of land located in Shoal Bay for private residential purposes, subject to the following:

(a)	payment of the following stamp duties:	
	(i)	
	under the Stamp Act – 5%	
	of EC\$80,646.00	EC\$ 4,032.30
	(ii)	
	under the Aliens Land Holding	
	Regulation Act – 6.25%	
	of EC\$80,646.00	EC\$ 5,040.37
	(iii)	
	refundable deposit of 10% of	
	EC\$80,646.00	<u>EC \$8,064.60</u>
	TOTAL	<u>EC\$17,137.27</u>

(b) the construction of the dwelling house to be completed within thirty (30) months. If said dwelling house is not completed at the end of thirty (30)

months, 50% of the refundable deposit will be forfeited to the Government of Anguilla. The balance 50% will be forfeited if the construction is not completed within a further 6 months. Thereafter, forfeiture proceedings for the property will be commenced by the Government of Anguilla for a period of twenty-four (24) months; and

- (c) with the expressed condition that the land is to be used for residential purposes and that the Licencee must not rent their dwelling house without first notifying the Ministry of Lands.

Council authorised the issue of the action sheet before confirmation of the minutes.

Action: PS, HLPP; DLS; PS, FIN

EX MIN 19/416

EX MEM 19/203 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – TIGH-NA-MARA LIMITED - REGISTRATION SECTION SOUTH CENTRAL, BLOCK 38711 B, PARCEL 239 CONTAINING 1.00 ACRE

Hon Parliamentary Secretary, Financial Specialist and DLS remained.

Council agreed to issue an Aliens Land Holding Licence to Tigh-Na-Mara Limited to hold property situated in Registration Section South Central, Block 38711 B, described as Parcel 239, located at Little Harbour, Anguilla for residential purposes with two houses thereon, subject to the following:

- (a) payment of the following stamp duties:
- | | | |
|------|---|------------------------------|
| (i) | under the Stamp Act – 5%
of EC\$2,540,349.00 | EC\$127,017.45 |
| (ii) | under the Aliens Land Holding
Regulation Act – 5%
of EC\$2,540,349.00 | EC\$127,017.45 |
| | TOTAL | <u>EC\$254,034.90</u> |
- (b) to comply with the Labour Department Act R.S.A. c. L15 and Section 127 (1), (2), (3), (4) and (5) of the new Labour (Relations) Act; and
- (c) with the expressed condition that the land is to be used for residential purposes and that the Licencee must not rent the dwelling houses without first obtaining a licence from the Ministry of Finance.

Council authorised the issue of the action sheet before confirmation of the minutes.

Action: PS, HLPP; DLS; PS, FIN

EX MIN 19/417

EX MEM 19/204 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATIONS ACT – TAMARIND ANGUILLA PARTNERS, LLC – REGISTRATION SECTION NORTH, BLOCK 59018 B, PARCEL 193 STRATA LOT SL A/3A BEING 1747 SQ. FT.

Hon Parliamentary Secretary, Financial Specialist and DLS remained. The Hon Minister, MHA/ED declared an interest.

Council agreed to issue an Aliens Land Holding Licence to Tamarind Anguilla Partners, LLC to hold property situated in Registration Section North, Block 59018 B, Parcel 193 Strata Lot SL A/3A being 1747 sq. ft., a unit forming part of Fountain Condos located at Shoal Bay Anguilla for residential/tourism purposes, subject to the following:

- (a) Stamp duties payable are as follows:
- | | | |
|------|---|-----------------------------|
| (i) | under the Stamp Act – 5%
of EC\$940,870.00 | EC\$47,043.50 |
| (ii) | under the Aliens Land Holding
Regulation Act – 5%
of EC\$940,870.00 | <u>EC\$ 47,043.50</u> |
| | TOTAL | <u>EC\$94,087.00</u> |
- (b) Fountain Home owners Association, should be the exclusive renting agent for the villa;
- (c) the Licensees should be required to enter into an agreement with Fountain Home Owner Association, for the management and use of the villa for at least forty-four (44) weeks in each calendar year; and
- (d) the licensees shall have the right to reside in the villa for a maximum of eight (8) weeks in each calendar year without being liable for the payment of accommodation tax. However, if the applicants wish to live in their villa for a period longer than eight (8) weeks, then they should be required to pay the accommodation tax.

Council authorised the issue of the action sheet before confirmation of the minutes.

Action: PS, HLPP; DLS; PS, FIN

EX MIN 19/418

EX MEM 19/205 APPLICATION FOR ISSUE OF LICENCE UNDER THE ALIENS LAND HOLDING REGULATION ACT – LANIG TROIN – REGISTRATION SECTION WEST END, BLOCK 17809 B, PARCEL 75 CONTAINING 0.25 OF AN ACRE

Hon Parliamentary Secretary, Financial Specialist and DLS remained.

Council agreed to issue an Aliens Land Holding Licence to Lanig Troin, to hold, on a freehold basis, vacant property situated in Registration Section West End, Block

17809 B, described as Parcel 75, being 0.25 of an acre of land located in West End for private residential purposes, subject to:

- (a) payment of the following stamp duties:
- | | | |
|-------|---|-----------------------------|
| (i) | under the Stamp Act – 5%
of EC\$80,646.00 | EC\$4,032.30 |
| (ii) | under the Aliens Land Holding
Regulation Act – 6.25%
of EC\$80,646.00 | EC\$5,040.38 |
| (iii) | refundable deposit of 10% of
EC\$80,646.00 | <u>EC\$8,064.60</u> |
| | TOTAL | <u>EC\$17,137.28</u> |
- (b) the construction of the dwelling house to be completed within thirty (30) months. If said dwelling house is not completed at the end of thirty (30) months, 50% of the refundable deposit will be forfeited to the Government of Anguilla. The balance 50% will be forfeited if the construction is not completed within a further 6 months. Thereafter, forfeiture proceedings for the property will be commenced by the Government of Anguilla for a period of twenty-four (24) months; and
- (c) with the expressed condition that the land is to be used for residential purposes and that the Licencee must not rent their dwelling house without first notifying the Ministry of Lands.

Council authorised the issue of the action sheet before confirmation of the minutes.

Action: PS, HLPP; DLS; PS, FIN

EX MIN 19/419

**EX MEM 19/206 APPLICATION FOR ISSUE OF LICENCE UNDER THE
ALIENS LAND HOLDING REGULATION ACT – ANGUILLA
HOSPITALITY CONSULT CORP – REGISTRATION SECTION
SOUTH CENTRAL, BLOCK 38812 B, PARCEL 20 (PART OF) CONTAINING
0.92 OF AN ACRE**

Hon Parliamentary Secretary, Financial Specialist and DLS remained.

Council agreed to issue an Aliens Land Holding Licence to Anguilla Hospitality Consult Corp to hold on a leasehold basis, property situated in Registration Section South Central, Block 38812 B, described as Parcel 20 (Part of) being Lot 1 of Survey Plan Ref APS/CS/20/19 containing 0.92 of an acre of land for tourism purposes with a two (2) storey building and a single storey building thereon, subject to the following:

- (a) stamp duties payable are as follows:
- | | | |
|-----|---|----------------|
| (i) | under the Stamp Act –
of EC\$1,537,650.00
x 20 years x 0.0005 | EC\$ 15,376.50 |
|-----|---|----------------|

(ii)	under the Aliens Land Holding Regulation Act – 5% of EC\$1,537,650.00	<u>EC\$ 76,882.52</u>
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TOTAL	<u>EC\$92,259.02</u>
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- (b) the Applicant Company must obtain a business licence from the Ministry of Finance in order to rent the said property.

Council authorised the issue of the action sheet before confirmation of the minutes.

Action: PS, HLPP; DLS; PS, FIN

EX MIN 19/420

EX MEM 19/207 APPROVAL OF THE ESTABLISHMENT OF THE AASPA DEVELOPMENT CORPORATION LTD. BY THE MINISTER OF MICUHAFE PURSUANT TO SECTION 17(2) OF THE ANGUILLA AIR AND SEA PORTS AUTHORITY ACT R.S.A C A57

Hon Parliamentary Secretary and Financial Specialist remained.

Council agreed that before a decision is taken on this matter, Council should see and consider the draft Articles of Incorporation and By-laws for the new entity before being asked to approve its establishment.

Action: PS, EDICTIT; PS, MICUHAFE; PS, FIN; MINS OF GOV'T

EX MIN 19/421

EX MEM 19/208 ESTABLISHMENT OF INTEREST PENALTIES WAIVER COMMITTEE AS PER THE PROVISIONS OF THE INLAND REVENUE ACT AND THE INTEREST AND PENALTIES WAIVER COMMITTEE REGULATIONS

Hon Parliamentary Secretary and Financial Specialist remained.

Council agreed that the holder of the Principal Assistant Secretary post should be appointed to serve on the Interest and Penalties Committee required under the Inland Revenue Act.

Action: PS, FIN; PS, EDICTIT; PAS, FIN; DEP; BD; CIR; ACC GEN

EX MIN 19/422

EX MEM 19/209 NEW POSITION OF SENIOR CROWN COUNSEL, ATTORNEY GENERAL'S CHAMBERS

Hon Parliamentary Secretary and Financial Specialist remained.

Council noted the addition of another Senior Crown Counsel in the Attorney General's Chambers.

Action: PS, PA; HON DG; HON AG; PS, FIN; PS, EDICTIT; BD; ACC GEN

EX MIN 19/423

**INF 19/06 INFORMATION PAPER - APPOINTMENT/RE-APPOINTMENT
OF MEMBERS TO THE BOARD OF DIRECTORS OF THE ANGUILLA
TOURIST BOARD (ATB)**

Hon Parliamentary Secretary and Financial Specialist remained.

Council noted that:

- (i) the tenure of most of the members of the Anguilla Tourist Board (ATB) expired on 28 May 2019; and
- (ii) after consultation with the appropriate organisations where necessitated by Section (5) of the Anguilla Tourist Board Act, the Minister with responsibility for tourism advised Council of his intention to appoint the following persons to the ATB's Board of Directors:

Member	Start Date End Date	Relevant Section of the Anguilla Tourist Board Act	Status
Mrs. Donna Banks Chairperson	28 th May 2019 28 th May 2021	5(1)(a) one member appointed by the Minister, after consultation with the chairman of the Anguilla Hotel and Tourism Association and the president of the Chamber of Commerce, from among persons who have special qualifications in, and who have had experience of, matters relating to hotel management, air travel, shipping and transport, public relations, the tourist industry, accountancy or banking; 5(2) The member appointed under paragraph (1)(a) shall be the Chairman of the Board.	Reappointment
Mr Lockhart Hughes Member	28 th May 2019 28 th May 2021	5(1) (b) two members appointed by the Minister, after consultation with the Anguilla Hotel and Tourism Association;	Reappointment
Mrs Melinda Blanchard Member	2 nd September 2019 2nd September 2021	5(1) (b) two members appointed by the Minister, after consultation with the Anguilla Hotel and Tourism Association;	New Appointee
Mr Alister Carty Member		5(1) (d) one member appointed by the Minister from among persons engaged in transport services;	New Appointee
Ms Marisa Gumbs Member	22 nd September 2018 22 nd September 2020	5(1)(c) one member appointed by the Minister after consultation with the Chamber of Commerce.	Reappointment
Mr. Chesney Hughes Member	28 th May 2019 28 th May 2021	5(1) (e) one member appointed by the Minister from among persons, other than owners or managers employed in the tourist industry, after consultation with the president or other chief executive officer of the representative body or organization representing such persons, and, where no such body or organization exists, then such persons as the Minister believes best represent the interests of persons employed in the tourist industry; and	Reappointment
Ms. Myrna Sasso Member	28 th May 2019 28 th May 2021	5(1) (f) one other member appointed by the Minister.	Reappointment

Action: PS, EDICTLP; PS, FIN; PAS, FIN; TP; COM MAN; MINS OF GOV'T

ORAL MENTION

EX MIN 19/424

UPDATE ON THE LAND INFORMATION SYSTEM (LIS)

Hon Parliamentary Secretary, Financial Specialist and DLS remained.

In EX MIN 17/516 of 9 November 2017, Council approved a Land Information System (LIS) for the Department of Lands and Surveys to be implemented during the course of the fiscal year 2018/19.

Council noted that a range of stakeholder meetings had taken place on the LIS during the month of August. Council further noted that new legislation would be required to support the LIS.

Action: PS, EDICTLP; PS, FIN; DLS; DIR, IT; HON AG; BD; CPO; ACC GEN

EX MIN 19/425

HOSTING OF OECS PPS POLICY BOARD AND COUNCIL OF HEALTH MINISTERS MEETING IN ANGUILLA, 30 – 31 OCTOBER 2019

Hon Parliamentary Secretary and Financial Specialist remained.

Council noted that the Government of Anguilla was not in a position to host the OECS PPS Policy Board and Council of Health Ministers Meeting in Anguilla scheduled for 30 – 31 October. Council additionally noted that the PS, HLPP would be informed of this decision and would report back to the OECS.

Action: PS, HLPP; MINS OF GOV'T

EX MIN 19/426

LEAVE

Hon Parliamentary Secretary and Financial Specialist remained.

The Hon Minister for Infrastructure and Utilities informed Council that he would be on leave from Saturday 7 September – Tuesday 10 September.

Action: EXCO MEMBERS
